

REMARKS

In the nonfinal Office Action mailed December 21, 2009, claims 1 and 10 were rejected under 35 U.S.C. § 102(a) as being anticipated by Adams et al. (U.S. Patent Publication No. 2004/0008209; hereinafter “Adams”). Claims 2 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Goff et al. (U.S. Patent Publication No. 2003/0206107; hereinafter “Goff”) and in further view of Fraier et al. (U.S. Patent Publication No. 2003/0001016; hereinafter “Fraier”). Claims 3–5, 7, and 11–14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Fraier. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Goff. Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Goff in further view of Fraier and in further view of Teplitxky et al. (U.S. Patent Pub. No. 2005/0162277; hereinafter “Teplitxky”). Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants’ Representatives wish to thank Examiner Lane and his supervisor for the courtesies extended during the telephone interview of March 17, 2010, and for Examiner Lane’s clarification of the various rejections. Although no agreement was reached as to the allowability of the claims, agreement was reached that certain amendments to the independent claims would distinguish over the Adams reference. In accordance with the agreement reached, Applicants have amended claims 1, 8, and 10. Claims 1, 8, and 10 have been amended to recite that the stored periodically changing media content list is “obtained from a remote content source via one or more networks.” Support for this amendment may be found, for example, in paragraphs [0055], [0062], [0065], and FIG. 1 of Applicants’ Disclosure.

Claims 1 and 10

Claims 1 and 10 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Adams. Amended claim 1, for example, requires “a stored periodically changing media content list that is

obtained from a remote content source via one or more networks.” Applicants respectfully submit that Adams fails to teach at least this limitation.

Adams is directed to a multi-media photo album having a network of electrical conductors that connect with storage devices storing audio and/or image data. (Adams, Abstract). In operation, a user selectively addresses the data storage devices to correspond with specific photos contained within the album. (Adams, ¶ [0096]: “As each or individual photographs is attached to a page 103, the user inserts a data storage device 106 on the corresponding respective pocket 105 having a position number which matches the position of the photograph.”). In one embodiment, the data storage devices are provided with transponder tags, such as RFID tags, to communicate the audio and/or image data to a readout device in the photo album. (Adams, ¶ [0138]). However, Adams fails to disclose media content associated with a stored periodically changing media content list that is obtained from a remote content source via one or more networks.

Conversely, the present disclosure teaches, and claim 1 requires, that media content is associated with a stored periodically changing media content list that is obtained from a remote content source via one or more networks. For example, the present disclosure provides, “the media playing device 16 includes a communication interface 32 such as a network interface to allow the media playing device to communicate with one or more networks including for example, the internet or any other suitable network.” (Present Disclosure, ¶ [0055]). Because the present disclosure teaches a system that has access to one or more networks, the media content list may be dynamically updated. (Present Disclosure, ¶ [0039]). The advantageous nature of this system is demonstrated, in part, through the example provided in paragraph [0038], which states, “For example, a subscriber of the service may purchase a single RFID enabled

media card and when the card is read by a suitable RFID reader, such as that located in a media playing device, different songs may be downloaded each week from the same card.” (Present Disclosure, ¶ [0038]). Thus, the present disclosure teaches a system wherein a user may obtain periodically changing media content that is obtained from a remote content source via one or more networks. (See Present Disclosure, ¶ [0065]: “[T]he method includes receiving, in a secure manner, the desired content from the remote content source that has been identified by the content identification information.”). Accordingly, Applicants respectfully submit that claim 1 is in condition for allowance for at least the reasons given above.

Applicants note that claim 10 includes the limitation discussed with respect to claim 1, i.e., media content associated with a stored periodically changing media content list that is obtained from a remote content source via one or more networks. As such, Applicants submit that claim 10 is allowable over Adams for at least the reasons given above and because claim 10 recites additional patentable subject matter.

Claims 2 and 8

Claims 2 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Goff and in further view of Fraier. With respect to claim 2, Applicants submit that claim 2, being dependent upon an allowable base claim, is also allowable over Adams in view of Goff in further view of Fraier to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

Applicants further note that claim 8 includes the limitation discussed with respect to claim 1, i.e., media content associated with a stored periodically changing media content list that is obtained from a remote content source via one or more networks. Accordingly, Applicants

submit that claim 8 is allowable over Adams in view of Goff in further view of Fraier for at least the reasons given above and because claim 8 recites additional patentable subject matter.

Claims 3–5, 7, and 11–14

Claims 3–5, 7, and 11–14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Fraier. Applicants submit that claims 3–5, 7, and 11–14, being dependent upon allowable base claims, are also allowable over Adams in view of Fraier to the extent that they incorporate the limitations of the independent claims and because they recite additional patentable subject matter.

Claim 6

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Goff. Applicants submit that claim 6, being dependent upon an allowable base claim, is also allowable over Adams in view of Goff to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

Claim 9

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Goff in further view of Fraier and in further view of Teplitxky. Applicants submit that claim 9, being dependent upon an allowable base claim, is also allowable over Adams in view of Goff in further view of Fraier and in further view of Teplitxky to the extent that it incorporates the limitations of the independent claim and because it recites additional patentable subject matter.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request reconsideration and withdrawal of all presently outstanding rejections. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,



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